

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Tanja Douay Vance,  
  
Lawyer (Bar No. 41941).

Supreme Court No.

ODC'S PETITION FOR  
INTERIM SUSPENSION [ELC  
7.2(a)(3)]

Under Rule 7.2(a)(3) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association petitions this Court for an Order of Interim Suspension of Respondent Tanja Douay Vance pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Kathy Jo Blake, filed with this Petition.

**STATEMENT OF GROUNDS/ARGUMENT**

Respondent Tanja Douay Vance failed to respond to ODC's requests that she respond to a grievance filed against her, failed to produce records requested in ODC's subpoena duces tecum, and failed to appear at a non-cooperation deposition to which she was subpoenaed.

Ms. Vance failed to produce records in response to a subpoena duces tecum issued by Disciplinary Counsel under ELC 5.3(h)(1). The subpoena was issued due to Ms. Vance's failure to respond to ODC's requests to respond to a grievance.

It is necessary to obtain Ms. Vance's response and records so ODC can determine if the grievance has merit. By refusing to respond to the grievance and subpoena duces tecum, and by failing to appear for her noncooperation deposition, Ms. Vance has impeded and delayed the disciplinary process. Accordingly, ODC asks this Court to order Tanja Douay Vance's immediate interim suspension pending compliance with ODC's investigation.

### **STANDARD**

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when the lawyer fails without good cause to comply with a request from ODC for information or documents or fails without good cause to comply with a subpoena.<sup>1</sup> Ms. Vance's failure to comply with ODC's subpoena duces tecum meets this standard.

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<sup>1</sup> ELC 7.2(a)(3) provides:

When any lawyer fails without good cause to comply with a request under rule 5.3(g) or rule 15.2(a) for information or documents, or with a subpoena issued under rule 5.3(h) or rule 15.2(b), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. A petition may not be filed if the request or subpoena is the subject of a timely objection under rule 5.5(e) and the hearing officer has not yet ruled on that objection. If a lawyer has been suspended for failure to cooperate and thereafter complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

## **EFFECT OF RESPONDENT'S FAILURE TO COOPERATE**

The lawyer discipline system provides “protection of the public and preservation of confidence in the legal system.” In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 665 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, disciplinary proceedings depend upon the cooperation of attorneys. In re Disciplinary Proceeding Against Scannell, 169 Wn.2d 723, 738, 239 P.3d 332 (2010). Compliance with disciplinary requests and investigations is “vital.” Id. Noncompliance impedes the investigation of possible misconduct and undermines the effectiveness of the regulatory system. McMurray, 99 Wn.2d at 930-31.

Because Ms. Vance has not responded to the grievance, produced records requested in the subpoena duces tecum, or appeared for a deposition, ODC has not been able to conduct a complete investigation in this matter. ODC’s effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

## **CONCLUSION**

Ms. Vance’s failure to cooperate with a disciplinary investigation is an ongoing violation of the duty to cooperate with a disciplinary investigation as set forth in ELC 5.3(f) and 5.5(d). Accordingly, ODC asks the Court to issue an order to show cause under ELC 7.2(b)(2)

requiring Ms. Vance to appear before the Court on such date as the Chief Justice may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 6<sup>th</sup> day of September, 2019.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

A handwritten signature in cursive script, appearing to read "KJ Blake", is written over a horizontal line.

Kathy Jo Blake, Bar No. 29235  
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# WASHINGTON STATE BAR ASSOCIATION

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## Filing Attorney Discipline

### Transmittal Information

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Cover Letter, Declaration of Mail, Declaration with Exhibits also included.

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